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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IN RE TESLA, INC. SECURITIES

14 LITIGATION

Case No. 3:18-cv-04865-EMC

15 **PLAINTIFF'S NOTICE OF MOTION**
16 **AND MOTION FOR TEMPORARY**
17 **RESTRANING ORDER**

18 PLEASE TAKE NOTICE that Plaintiff Glen Littleton, by his counsel, hereby moves the
19 Court for a temporary restraining order enjoining Defendant Elon R. Musk (“Musk”) from speaking
20 with the press, media, news, and other public outlets about this case or the underlying facts until
21 the end of trial. Plaintiff requests a hearing on the motion as soon as practicable in light of the
22 irreparable harm Plaintiff will face if Musk is allowed to continue making statements about the case
23 and its underlying facts in the public sphere.

24 PLEASE TAKE FURTHER NOTICE that this motion is made in response to Mr. Musk’s
25 TED Talk in Vancouver on April 14, 2022 during which he emphatically proclaimed in reference
26 to his August 7, 2018 tweets, *inter alia*, that “funding was actually secured – I want to be clear
27 about that – in fact that gives me a good opportunity to clarify that – and funding was indeed
secured” before going on to refer to the SEC as “bastards” and claiming that he settled with the
agency only because they had a “gun to [his] child’s head” and was “forced to admit that [he] lied
. . . to save Tesla’s life and that’s the only reason.” These statements come on the heels of Mr.
Musk’s recent and highly publicized motion before Hon. Alison J. Nathan in the United States

District Court for the Southern District of New York to void the consent decree he signed to settle the SEC's lawsuit against him as well as his admitted plans to use the upcoming trial in this case "to clear the record" about the "terrible SEC settlement."

PLEASE TAKE FURTHER NOTICE that this motion is based on the accompanying Memorandum of Points and Authorities, Declaration of Adam C. McCall and the exhibits attached thereto, the arguments of counsel, and any other matters properly before this Court. Pursuant to Paragraph 11 of the Court's Civil Standing Order – General, Plaintiff also submits herewith a proposed order

PLEASE TAKE FURTHER NOTICE that, pursuant to Civil L.R. 65-1(b), Plaintiff's counsel provided notice of this motion by email to Defendants' counsel of record on April 15, 2022. Plaintiff's counsel has also provided a copy of these motion papers to counsel for Defendants.

Dated: April 15, 2022
Respectfully submitted,

LEVI & KORSINSKY, LLP

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